

MEMORANDUM ENDORSED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/2/2022

CARSON D. GILBERT, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

AZURE POWER GLOBAL LIMITED,
RANJIT GUPTA, ALAN ROSLING, HARSH
SHAH, and PAWAN KUMAR AGRAWAL,

Defendants.

Case No. 1:22-cv-07432-GHW

NOTICE OF NON-OPPOSITION TO COMPETING MOTIONS
FOR APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF LEAD COUNSEL

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

On October 31, 2022, Yannick Sabourin (“Sabourin”) filed a motion, pursuant to Section 21D(a)(3) of the Securities Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3), as amended by the Private Securities Litigation Reform Act of 1995 (“PSLRA”), for an Order: (1) appointing Sabourin as Lead Plaintiff on behalf of a class consisting of all persons and entities other than the above-captioned defendants that purchased or otherwise acquired Azure Power Global Limited securities between June 15, 2021 and August 26, 2022, both dates inclusive (the “Class”); and (2) approving proposed Lead Plaintiff’s selection of Pomerantz LLP as Lead Counsel for the Class. Dkt. No. 21.

Having reviewed the competing motions before the Court, it appears that Sabourin does not have the “largest financial interest” in this litigation within the meaning of the PSLRA. This statement of non-opposition shall have no impact on Sabourin’s membership in the proposed Class or his right to share in any recovery obtained for the benefit of Class members.

Dated: November 14, 2022

Respectfully submitted,

POMERANTZ LLP

/s/ Jeremy A. Lieberman

Jeremy A. Lieberman

J. Alexander Hood II

Thomas H. Przybylowski

600 Third Avenue, 20th Floor

New York, New York 10016

Telephone: (212) 661-1100

Facsimile: (917) 463-1044

jalieberman@pomlaw.com

ahood@pomlaw.com

tprzybylowski@pomlaw.com

Counsel for Yannick Sabourin

PORTNOY LAW FIRM

Lesley F. Portnoy

1800 Century Park East, Suite 600
Los Angeles, California 90067
Telephone: (310) 692-8883
lesley@portnoylaw.com


Additional Counsel for Yannick Sabourin

In light of Yannick Sabourin's non-opposition to the competing motions to serve as lead plaintiff and Mr. Sabourin's recognition that he "does not have the 'largest financial interest' in this litigation within the meaning of the PSLRA," the Court denies Mr. Sabourin's motion to serve as lead plaintiff. Dkt. No. 21; *see Altayyar v. Etsy, Inc.*, No. 15CV02785ARRRER, 2015 WL 13742418, at *1 (E.D.N.Y. Oct. 22, 2015) (denying motion to serve as lead plaintiff "as a matter of course" where filing party submitted a notice of non-opposition); *Teijfke v. Ebix, Inc.*, No. 1:21-CV-01589-JMF, 2021 WL 1902472, at *1 (S.D.N.Y. May 11, 2021) (denying motions to serve as lead plaintiff filed by certain parties "in light of their non-opposition or withdrawal"); *Salinger v. Sarepta Therapeutics, Inc.*, No. 19-CV-8122 (VSB), 2019 WL 6873807, at *4, *4 n.4 (S.D.N.Y. Dec. 17, 2019) (denying lead plaintiff motion filed by party who filed non-opposition to competing motions and recognized that "he did not possess the largest individual financial interest among the various movants").

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 21.

SO ORDERED.

Dated: December 2, 2022
New York, New York



GREGORY H. WOODS
United States District Judge